

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 30 – 38 are currently pending in this application.

Claim Rejections - 35 USC §103

Claims 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,470,001 to Kim et al. (hereinafter Kim) in view of U.S. Publication No. 2005/0054366 to Chen et al. (hereinafter Chen) and further in view of U.S. Patent No. 6,438,377 to Savolainen (hereinafter Savolainen).

As previously described, Applicants' disclose a method and base station for aligning a field unit that comprises receiving a reverse link signal from a field unit and determining a gross timing offset with respect to reverse link channels from other field units sharing the same reverse link logical channel. A metric associated with the received reverse link signal is calculated and a determination based on the metric whether the base station should control the alignment of the field unit is selectively made. Again, Kim does not disclose Applicant's claimed method and base station.

Kim discloses an apparatus for adjusting the transmission power of the base station in simultaneous communication with a mobile station. According to Kim,

[d]uring the data communication, the base station estimates the estimated RTD of the newly assigned reverse supplemental channel from the sync channel, (i.e., the reverse pilot channel) in step 112. If the difference

between the estimated RTD and a reference RTD exceeds a predetermined error limit, the base station calculates a time alignment parameter and an action time parameter for time alignment of data, in step 113. Then, the base station sends a control message representative of the calculated time alignment and action time parameters to the terminal via a forward DCCH, in step 114.

See Kim, column 4, lines 15-25. As clearly indicated in the above cited portion of Kim, which was also cited by the Examiner, Kim discloses a base station that calculates a return trip delay (RTD) using a signal received from the requesting terminal. The base station then determines a time offset, which is subsequently transmitted to the terminal for time aligning the terminal. There is no suggestion or teaching anywhere in Kim regarding the estimating the round trip delay based on received data from a plurality of terminals, as the Examiner has argued. The Examiner has cited column 4, lines 15-37, as supporting his argument. As Applicant has stated, though, there is nothing in this portion cited by the Examiner that supports the Examiner's finding of the base station receiving data from a plurality of terminals to estimate the round trip delay. In fact, the remaining portion of the Kim patent makes it clear that the base station utilizes a signal communication from the subscriber unit to determine the RTD.

As the Examiner admits, Kim also does not disclose calculating a metric associated with the received reverse link signal and selectively determining based on the metric whether the base station should control the alignment of the field unit. In fact, Kim specifically teaches away from Applicant's disclosed method and

apparatus. Kim teaches a system for aligning the base station with the subscriber unit using the RTD. Kim does not suggest or teach the selective determination based on the metric whether the base station should control the alignment of the field unit. According to Kim, the base station aligns the field unit regardless of the calculated time offset.

Chen, like Kim, does not disclose the determination of a gross timing offset with respect to reverse link channels from other field units sharing the same reverse link logical channel, and selectively determining based on the metric whether the base station should control the alignment of the field unit. Accordingly, neither Kim nor Chen, alone, or in combination with one another, suggest or teach Applicants' disclosed method.

Claims 31 – 38 are dependent upon claim 30, and the Applicants believe these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the §103 rejection is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this


Applicant: Proctor Jr. et al.
Application No.: 10/717,995

application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Proctor Jr. et al.

By /Darryl W. Shorter/ 
Darryl W. Shorter
Registration No. 47,942

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103
Telephone: (215) 568-6400
Facsimile: (215) 568-6499

DWS/rls
Enclosures